ANALYSIS OF FY 2018 LEGAL IMMIGRATION STATISTICS

EXECUTIVE SUMMARY

Legal immigration to the United States declined by 86,894, or 7.3%, between FY 2016 and FY 2018, according to an analysis of recently released Department of Homeland Security (DHS) data. The DHS data show a larger decline in legal immigration in FY 2018 if refugees who physically arrived in the United States more than a year earlier are excluded from comparisons between FY 2016 and FY 2018. Excluding refugees means 122,412 fewer legal immigrants became lawful permanent residents in FY 2018 than in FY 2016, a decline of 11.5%, based on a National Foundation for American Policy analysis. Most of the decline can be traced to lower admissions in the Immediate Relatives of U.S. Citizens category, which includes the spouses, children and parents of Americans, the analysis concludes. Contributing to the lower numbers are processing delays and policy changes that could prevent an individual from obtaining permanent residence, such as a March 6, 2017, presidential directive on "heightened screening and vetting." If allowed by the courts, administration policies requiring immigrants to possess health insurance and a "public charge" rule could significantly reduce future levels of legal immigration. The data are contained in the *2018 Yearbook of Immigration Statistics,* which DHS recently made available on its website.

Table 1
Legal Immigration: FY 2016 to FY 2018

	FY 2016	FY 2018	Decline FY 2016 to FY 2018
Persons Obtaining Lawful Permanent Resident Status	1,183,505	1,096,611	-86,894 (-7.3%)

Source: Department of Homeland Security, National Foundation for American Policy.

The number of people who received lawful permanent resident status (green cards) declined from 1,183,505 in FY 2016 to 1,096,611 in FY 2018, a drop of 86,894 or 7.3%. The number of Immediate Relatives of U.S. Citizens declined from 566,706 in FY 2016 to 478,961 in FY 2018, a drop of 87,745, or 15.5%. Comparing FY 2016 and FY 2018, the U.S. in FY 2018 admitted 36,209 fewer spouses of U.S. citizens (a decline of 11.9%), 21,700 fewer children of U.S. citizens (a 24.5% fall) and 29,836 fewer parents (a drop of 17.2%). Immediate Relatives may enter without numerical limitation. Denials or long delays in the category can reduce annual immigration levels.

Table 2
Non-Refugee Legal Immigration: FY 2016 to FY 2018
(Excluding Refugees Obtaining Lawful Permanent Resident Status)

	FY 2016	FY 2018	Decline FY 2016 to FY 2018
Persons Obtaining Lawful Permanent Resident Status	1,063,289	940,877	-122,412 (-11.5%)

Source: Department of Homeland Security, National Foundation for American Policy.

Among the findings in this analysis:

- Excluding refugees and asylees who entered the U.S. in earlier years, legal immigration from the five majority-Muslim countries (Iran, Libya, Somalia, Syria and Yemen) designated by the administration's travel ban declined 18,595 (or 64.7%) between FY 2016 and FY 2018. The number of legal immigrants (excluding refugees or asylees) admitted from Yemen declined by 87.1%, from 12,906 in FY 2016 to 1,661 in FY 2018. In FY 2016, 8,407 Immediate Relatives of U.S. Citizens from Yemen obtained permanent residence, compared to only 1,271 in FY 2018.

- Immigration from Mexico dropped from 174,534 in FY 2016 to 161,858, a fall of 7.3%. Immigrants from China declined from 81,772 in FY 2016 to 65,214 in FY 2018, a drop of more than 20%. Immigration from South Korea declined by 18.9% between FY 2016 and FY 2018. Immigration was lower in FY 2018 compared to FY 2016 from India (down 7.5%), the Dominican Republic (down 6.1%) and the Philippines (a fall of 11.3%). Yemen had the largest percentage decline (87.1%) in legal immigration due to the travel ban.

- Much of the decline for specific countries occurred because the United States admitted fewer people in the Immediate Relatives of U.S. Citizens category (spouses, children under 21 years old and parents). Between FY 2016 and FY 2018, the number of Immediate Relatives of U.S. Citizens admitted from Mexico fell by 14,002 (11.7%), the Immediate Relatives of U.S. Citizens from China dropped by 7,636, or 24.1%, while family members in that category declined by 17% from the Dominican Republic, 24.1% from the Philippines, 14.8% from India, 17.3% from South Korea, and 85.5% from Yemen.

- The number of immigrants admitted in the family-sponsored preference categories fell by 21,524 (or 9%) between FY 2016 and FY 2018. These include the married and unmarried sons and daughters (21 or older) of U.S. citizens, the siblings of U.S. citizens, and the spouses, minor children and adult unmarried children of lawful permanent residents. Given the limited number of cases that can be processed in a month, when a case is denied or delayed significantly there may not be sufficient government resources to process and approve other cases. That can result in immigration categories with backlogs not having all the numbers utilized.

- The number of employment-based immigrants was 137,171 in FY 2018 and 137,893 in FY 2016. The category has a large backlog.

- Both processing delays and policy changes that could prevent an individual from obtaining permanent residence contributed to lower numbers. "Heightened screening and vetting" has made it more difficult for

cases to be approved. In FY 2018, there was a significant increase in visa refusals at consulates for immigrants on the grounds of 221(g) "Application does not comply with provisions of the INA [Immigration and Nationality Act] or regulations issued pursuant thereto," increasing from 254,478 in FY 2017 to 341,128 in FY 2018, a rise of 34%. "Administrative processing" at U.S. consulates can include a variety of situations, including security clearances, and many cases won't be cleared or approved in the same fiscal year, or may never be approved.

Administration policies could significantly reduce legal immigration levels in the future. Courts have at least temporarily blocked a presidential proclamation requiring immigrants to possess health insurance and a public charge rule limiting potential immigrants who consular officers or adjudicators predict may use certain public benefits within a 12-month period in the future. Either measure could potentially reduce legal immigration by hundreds of thousands of people per year. The Trump administration also may expand the number of countries subject to the travel ban.

Lower levels of legal immigration have both personal and broader economic impacts. On a personal level, policies that prevent American citizens from sponsoring close family members, including spouses, children, parents or siblings, exert a significant negative impact on those Americans and their families.

Economic growth, which improves standards of living, primarily comes from increasing the growth in labor and productivity, and economists have found immigrants contribute significantly to both labor force growth and productivity. America is also facing significant demographic challenges with an aging workforce and lower fertility, and immigration is a major way to address those challenges.

The administration's primary efforts to reduce legal immigration have been through executive authority, administrative restrictions and regulatory action. The latest data show officials who joined the Trump administration hoping to reduce the number of Americans allowed to have spouses, parents and children come live with them in America, along with an overall reduction in legal immigration, are seeing success. An additional four years in power and favorable court rulings would reduce the number of legal immigrants admitted to America by far greater numbers, changing many lives and the country.

LEGAL IMMIGRATION DECLINED IN FY 2018

Data from the *2018 Yearbook of Immigration Statistics*, recently released by the Department of Homeland Security, show the number of people who received lawful permanent resident status (green cards) declined from 1,183,505 in FY 2016 to 1,096,611 in FY 2018, a drop of 86,894 or 7.3%, based on an NFAP analysis of the data.[1] As noted below, the decline was more than 11% if refugees who arrived in earlier years are excluded from the analysis. Most of the decline can be traced to lower admissions in the Immediate Relatives of U.S. Citizens category, which includes the spouses, children and parents of Americans.

DECLINE IN IMMEDIATE RELATIVES OF U.S. CITIZENS

The number of Immediate Relatives of U.S. Citizens declined from 566,706 in FY 2016 to 478,961 in FY 2018, a drop of 87,745, or 15.5%. Comparing FY 2016 and FY 2018, the U.S. admitted 36,209 fewer spouses of U.S. citizens (a decline of 11.9%) in FY 2018, 21,700 fewer children of U.S. citizens (a 24.5% fall) and 29,836 fewer parents (a drop of 17.2%). There is no annual limit in the Immediate Relatives category, which means if someone, such as a spouse, is ultimately denied a green card it would result in less legal immigration.

Table 3
Immediate Relatives Obtaining Lawful Permanent Resident Status: FY 2016 to FY 2018

IMMIGRATION CATEGORY	FY 2016	FY 2018	Decline FY 2016 to FY 2018
Spouses of U.S. Citizens	304,358	268,149	-36,209 (-11.9%)
Children of U.S. Citizens	88,494	66,794	-21,700 (-24.5%)
Parents of U.S. Citizens	173,854	144,018	-29,836 (-17.2%)
IMMEDIATE RELATIVES - TOTAL	*566,706*	*478,961*	*-87,745 (-15.5%)*

Source: Department of Homeland Security, National Foundation for American Policy.

DROP IN LEGAL IMMIGRATION LARGER WITHOUT EARLIER REFUGEES

The recently released data from DHS would show a larger decline in legal immigration in FY 2018 if one excluded refugees who physically arrived in the United States more than a year earlier from comparisons between FY 2016 and FY 2018. An individual who is admitted as a refugee must wait a year before applying for permanent residence.[2]

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[1] All data in this report can be found in the Department of Homeland Security's report *2018 Yearbook of Immigration Statistics*, which is available at https://www.dhs.gov/immigration-statistics/yearbook/2018#*.
[2] https://www.uscis.gov/greencard/refugees.

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The total number of refugees listed in Table 6 of the *2018 Yearbook of Immigration Statistics* is 155,734, reflecting refugees who obtained permanent residence in FY 2018 after arriving in America in earlier fiscal years. For example, Syrians listed as obtaining permanent residence as refugees and asylees in FY 2018 total 13,035, although the Trump administration has admitted few Syrians as refugees in recent years (only 62 Syrians arrived as refugees in FY 2018.)[3]

In future statistical reports, such as for FY 2019 and FY 2020, the number of refugees obtaining lawful permanent resident status should be much lower, which would reduce the overall level of legal immigration. That would reflect the diminished number of refugees allowed into America under the Trump administration. In FY 2018, only 22,405 refugees physically arrived in the United States vs. 84,988 in FY 2016. In FY 2020, the Trump administration established an historically low annual refugee ceiling of 18,000, a reduction of 84% from the 110,000-limit set in the final year of the Obama administration.

The National Foundation for American Policy calculated the FY 2016 and FY 2018 "non-refugee" immigration numbers by excluding the number of refugees who adjusted to permanent residence status in both years. In FY 2018, 155,734 refugees obtained permanent residence, and 120,216 refugees were awarded green cards in FY 2016.

Table 2 shows subtracting the number of refugees who adjusted to permanent residence status in both years leaves a non-refugee legal immigration total of 1,063,289 in FY 2016 and 940,877 in FY 2018. Excluding refugees means 11.5% or 122,412 fewer legal immigrants became lawful permanent residents in FY 2018 than in FY 2016.

DECLINE IN FAMILY-SPONSORED PREFERENCE CATEGORIES

The number of immigrants in the family-sponsored preference categories fell by 21,524 (or 9%) between FY 2016 and FY 2018. These categories are married and unmarried sons and daughters (21 or older) of U.S. citizens, the siblings of U.S. citizens, and the spouses, minor children and adult unmarried children of lawful permanent residents. The categories are heavily backlogged, which means processing delays and denials may be reflected in the lower FY 2018 numbers. Since consular officers (and to an extent USCIS adjudicators) only can process a limited number of cases in a month, when a case is denied or delayed significantly there may not be sufficient government resources to process and approve other cases, which can result in immigration categories with backlogs not having all the numbers utilized.

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[3] Tables 10 and 14, *2018 Yearbook of Immigration Statistics.*

EMPLOYMENT-BASED IMMIGRANTS, ASYLUM AND DIVERSITY

Given the large backlogs, it is not surprising there was little change in the number of people who obtained lawful permanent resident status as an employment-based immigrant in FY 2018. The number of employment-based immigrants was 137,171 in FY 2018 and 137,893 in FY 2016.

The number of people awarded green cards under the Diversity Visa lottery declined from 49,865 in FY 2016 to 45,350 in FY 2018. The number of asylees who obtained permanent residence fell from 37,209 in FY 2016 to 30,175 in FY 2018. Asylees must wait a year after being granted asylum to apply for permanent residence.

TRAVEL BAN IMPACT

Legal immigration from the five majority-Muslim countries designated by the travel ban declined by 18,595 (or 64.7%) between FY 2016 and FY 2018, based on NFAP analysis. That excludes refugees and asylees approved in prior fiscal years who received lawful permanent residence in either FY 2016 or FY 2018 for the five countries.

On June 26, 2018, the U.S. Supreme Court upheld the travel ban on new immigrants and many categories of temporary visa holders from five majority-Muslim nations, along with some new restrictions on visas from Venezuela and North Korea. Individuals from Iran, Libya, Somalia, Syria and Yemen were subject to the travel ban, with some possibility of obtaining waivers.

Table 4
Reduction in Legal Immigration from Travel Ban Countries: FY 2016 to FY 2018
(Excluding Refugees and Asylees Approved in Earlier Years)

COUNTRY	FY 2016	FY 2018	Decline FY 2016 to FY 2018
Yemen	12,906	1,661	-11,245 (-87.1%)
Iran	10,187	5,675	-4,512 (-44.3%)
Libya	507	402	-105 (-16.4%)
Somalia	1,759	759	-1,000 (-56.9%)
Syria	3,384	1,651	-1,733 (-51.2%)
TOTAL	*28,743*	*10,148*	*-18,595 (-64.7%)*

Source: Department of Homeland Security, National Foundation for American Policy. The numbers exclude refugees and asylees approved in earlier years from both the FY 2016 and FY 2018 numbers for all 5 countries.

To get an accurate picture of the impact of the travel ban, it is necessary to exclude refugees and asylees who were approved in earlier years and obtained lawful permanent residence in FY 2016 and FY 2018. The number of legal immigrants (excluding refugees and asylees) admitted from Yemen declined by 87.1%, from 12,906 in FY 2016 to 1,661 in FY 2018. Legal immigration from Iran declined from 10,187 in FY 2016 to 5,675 in FY 2018. Libya fell from

507 non-refugee/asylee immigrants in FY 2016 to 402 in FY 2018. Excluding individuals approved as refugees or asylees in prior years is particularly important for an assessment of the travel ban's impact on Syria and Somalia. Legal immigration from Somalia declined from 1,759 in FY 2016 to 759 in FY 2018, a drop of 1,000 people or 56.9%. For Syria the decline was from 3,384 in FY 2016 to 1,651 in FY 2018, or 1,733 (51.2%).

IMMIGRATION DECLINE BY COUNTRY OF BIRTH

Analysis shows declines in legal immigration from several leading countries. Immigration from Mexico dropped from 174,534 in FY 2016 to 161,858 in FY 2018, a fall of 7.3%. Immigrants from China declined from 81,772 in FY 2016 to 65,214 in FY 2018, a fall of more than 20%. Immigration from South Korea dropped by 18.9% between FY 2016 and FY 2018. Immigration was lower in FY 2018 compared to FY 2016 from India (down 7.5%), the Dominican Republic (down 6.1%) and the Philippines (a fall of 11.3%). Yemen had the largest percentage decline (87.1%) in legal immigration due to the travel ban.[4]

Table 5
Notable Legal Immigration Declines By Country of Birth: FY 2016 to FY 2018

COUNTRY	FY 2016	FY 2018	Decline FY 2016 to FY 2018
Mexico	174,534	161,858	-12,676 (-7.3%)
China	81,772	65,214	-16,558 (-20.3%)
India	64,687	59,821	-4,866 (-7.5%)
Dominican Republic	61,161	57,413	-3,748 (-6.1%)
Philippines	53,287	47,258	-6,029 (-11.3%)
South Korea	21,801	17,676	-4,125 (-18.9%)
Yemen	12,906	1,661	-11,245 (-87.1%)

Source: Department of Homeland Security, National Foundation for American Policy. With the exception of Yemen, may include individuals granted asylum or refugee status in an earlier year.

Table 6 illustrates that a large portion of the decline for each of the countries took place because the United States admitted fewer people in the Immediate Relatives of U.S. Citizens category (spouses, children under 21 and parents). Between FY 2016 and FY 2018, the number of Immediate Relatives of U.S. Citizens admitted from Mexico fell by 14,002 (11.7%), the Immediate Relatives of U.S. Citizens from China dropped by 7,636, or 24.1%, while family members in that category declined by 17% from the Dominican Republic, 24.1% from the Philippines, 14.8% from India, 17.3% from South Korea, and 85.5% from Yemen.

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[4] Data by country of birth. See Table 10 of the *2018 Yearbook of Immigration Statistics* and *2016 Yearbook of Immigration Statistics*. Yemen totals exclude refugees and asylees approved in prior fiscal years.

Table 6
Immediate Relatives of U.S. Citizens: FY 2016 to FY 2018

COUNTRY	FY 2016	FY 2018	Decline FY 2016 to FY 2018
Mexico	119,541	105,539	-14,002 (-11.7%)
Dominican Republic	32,191	26,731	-5,460 (-17.0%)
China	31,658	24,022	-7,636 (-24.1%)
Philippines	30,345	23,018	-7,327 (-24.1%)
India	24,246	20,652	-3,594 (-14.8%)
Yemen	8,407	1,217	-7,190 (-85.5%)
South Korea	7,053	5,833	-1,220 (-17.3%)

Source: Department of Homeland Security, National Foundation for American Policy. Immigrants by country of birth.

PROCESSING DELAYS, VETTING AND OTHER FACTORS

Both processing delays and policy changes that could prevent an individual from obtaining permanent residence contributed to lower immigration numbers in FY 2018. Processing delays largely reflect specific policies from the administration that have strained resources and lengthened case times, such as requiring in-person interviews for employment-based immigrants and "heightened screening and vetting." More U.S. consular officers used "public charge" as a reason for an immigrant visa to be refused in FY 2018, although it appears most of those refusals were overcome. A more restrictive interpretation of public charge included in the Foreign Affairs Manual was not in effect for all of FY 2018.

As noted in a March 2019 NFAP report, in FY 2018 there was a significant increase in visa refusals at consulates for immigrants on the grounds of 221(g) "Application does not comply with provisions of the INA [Immigration and Nationality Act] or regulations issued pursuant thereto," increasing from 254,478 in FY 2017 to 341,128 in FY 2018, a rise of 34%.[5]

"This ground of law is used to suspend processing of visa cases before a final decision is made on the case," according to Jeffrey Gorsky, senior counsel at Berry Appleman & Leiden LLP and former Chief of the Legal Advisory Opinion section of the Visa Office in the U.S. Department of State. "It is most commonly used either when there is a request by the consular officer for further evidence, or when the consular officer puts the case into 'administrative processing.'" Gorsky notes most such cases are eventually cleared. Still, the number is large and we do not know the outcome of many of these cases.

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[5] *State Department Visa Refusals in FY 2018 for Immigrants and Nonimmigrants*, NFAP Policy Brief, National Foundation for American Policy, March 2019.

Administrative processing can include a variety of situations, including security clearances, and many cases won't be cleared or approved in the same fiscal year, or may never be approved, said Gorsky in an interview.[6]

BLOCKED POLICIES WOULD LEAD TO LARGER IMMIGRATION REDUCTIONS

A health insurance mandate and public charge rule could reduce legal immigration by hundreds of thousands of people per year.[7] A presidential proclamation issued in October 2019 cited Section 212(f) of the Immigration and Nationality Act to bar new immigrants from entering the United States without health insurance. The administration finalized and issued a rule in 2019 on Inadmissibility on Public Charge Grounds. That rule also could block hundreds of thousands of immigrants who consular officers or adjudicators predict may use certain public benefits within a 12-month period in the future. To date, judges have blocked both measures, though this could be temporary. If either is cleared it could be the Trump administration's most far-reaching immigration measure and result in a significant and, in theory, permanent reduction in the flow of legal immigrants to the United States.

The Trump administration also has considered expanding the number of countries that would be subject to the travel ban. As this analysis shows, the travel ban has reduced legal immigration from the targeted countries.[8]

CONCLUSION: THE IMPACT OF LOWER IMMIGRATION NUMBERS

Lower levels of legal immigration have both personal and broader economic impacts. On a personal level, policies that prevent American citizens from sponsoring close family members, including spouses, children, parents or siblings, exert a significant negative impact on those Americans and their families.

A country's economic growth comes primarily comes from increasing the growth in labor and productivity. Immigrants contribute significantly to both labor force growth and productivity. Economic growth is necessary to improve the standard of living for people in a country. America is also facing significant demographic challenges with an aging workforce and lower fertility, and immigration is an important part of addressing those challenges.

Economists at Oxford University and Citi found that without immigrants contributing to the quantity and quality of the labor supply, the majority of the economic growth gains America saw between 2011 and 2016 after the recession

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[6] Interview with Jeffrey Gorsky.

[7] Migration Policy Institute. https://www.migrationpolicy.org/research/impact-dhs-public-charge-rule-immigration; https://www.migrationpolicy.org/news/health-insurance-test-green-card-applicants-could-sharply-cut-future-us-legal-immigration.

[8] Jonathan Lemire, Lisa Mascaro and Jill Colvin, "White House Considering Dramatic Expansion of Travel Ban," Associated Press, June 11, 2020.

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would have been eliminated.[9] Joel Prakken of Macroeconomic Advisers estimates if America lowered legal immigration by half it would reduce the rate of U.S. economic growth in the U.S. by approximately 12.5%. "The effect gets bigger over time because the Census assumptions for immigration keep growing," said Prakken.[10]

The administration's primary efforts to reduce legal immigration have been through executive authority, administrative restrictions and regulatory action. Efforts to convince Congress to reduce legal immigration via new legislation have been abandoned. Attempts earlier in the administration to lower the number of legal immigrants admitted to the United States were rejected in both the House and Senate.

The latest data show officials who joined the Trump administration hoping to reduce the number of Americans allowed to have spouses, parents and children come live with them in America, along with an overall reduction in legal immigration, are seeing success. An additional four years in power and favorable court rulings would reduce the number of legal immigrants admitted to America by far greater numbers, changing many lives and the country.

[9] Ian Goldin, Andrew Pitt, Benjamin Nabarro and Kathleen Boyle, *Migration and the Economy*, Citi and Oxford Martin School, Oxford University, September 2018.
[10] Patti Domm, "This Is What Immigration Means to the U.S. Economy in Two Charts," CNBC, March 28, 2017.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

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